

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CEDRIC WHITE, #190 709

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Plaintiff,

*

v.

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2:07-CV-304-MEF

RICHARD ALLEN

*

Defendant.

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ORDER ON MOTION

Pending before the court is Plaintiff's second Motion for Extension of Time to comply with the court's April 12, 2007 order directing payment of an initial partial filing fee. In support of his motion Plaintiff asserts that he does not have sufficient funds in his inmate account to comply with the court's April 12 order.

The court has considered Plaintiff's motion and construes it as a request that he be allowed to proceed in this action without prepayment of the initial partial filing fee until such funds became available to him. Upon consideration of the motion, the court concludes that the motion shall be granted. Plaintiff is advised, however, that this court must, under the provisions of 28 U.S.C. § 1915(b)(1), "assess and, when funds exist, collect" the \$350.00 filing fee from monies available to Plaintiff, when the amount in Plaintiff's account exceeds \$10.00. The court may not waive or exempt Plaintiff from compliance with the statutory

provisions regarding payment of filing fees. Accordingly, it is

ORDERED that Plaintiff's May 17, 2007 pleading, construed as Motion to Proceed Without Payment of the Court-Ordered Initial Partial Filing Fee Until Funds Become Available (Doc. No. 6), be and is hereby GRANTED.

Done, this 22nd day of May 2007.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE